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UNCLAS SECTION 01 OF 02 SANTO DOMINGO 004567

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DEPARTMENT PLEASE PASS US MARSHAL SERVICE CHRIS DUDLEY AND
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SUBJECT: DOMINICAN ATTORNEY GENERAL PUSHES CAREER TRACK FOR
PROSECUTORS SO AS TO WEED OUT INCOMPETENT POLITICOS

1. (U) Summary. On September 28, General Secretaries of the three dominant political parties in the Dominican Republic met publicly to respond to Attorney General Francisco Dominguez Brito's draft document calling for political agreement on the implementation of a career track within the Public Prosecutor's Office of the Public Ministry (Ministry of Justice). Party officials praised the plan, advocated by the UN Development Program (UNDP) country representative as necessary for the independent administration of justice and "true democracy." Embassy anticipates formal adoption of the document by the political parties, as well as Presidential promulgation of a rule governing the implementation of a career track for prosecutors. Hiring under the plan has already begun, as have examinations designed to remove unqualified attorneys from the prosecutorial ranks. End summary.

A Commitment for Profound Change

2. (U) Continuing his efforts to increase professionalism within his ministry, Dominican Attorney General Francisco Dominguez Brito moderated a September 28 public panel designed to foment tri-partisan support for a recently introduced merit-based selection process for new prosecutors. The General Secretaries of the Partido Revolucionario Dominicano (PRD), Partido Reformista Social Cristiano (PRSC), and the ruling Partido de la Liberacion Dominicana (PLD) participated. Cesar Pina Toribio, Legal Advisor to the Presidency, and Aura Fernandez, Director of the School of the Ministry of Public Works, also represented the government. Others lending their support to this initiative included UNDP resident representative Niki Fabiancic, coordinator of the "National Dialogue" Msgr. Agripino Nunez, USAID mission director Brineman, and representatives of UNICEF, the European Union, and the International Labor Organization.

3. (SBU) The selection process and its philosophical underpinnings were detailed in a document described by Dominguez Brito as a "national commitment for the institutionalization of the Ministry of Justice." Although Dominguez Brito subsequently told Poloff he was "under personal pressure for seeking these changes", cross-party support in this venue was emphatic. PRSC leader Victor Gomez Casanova stated his satisfaction with efforts to depoliticize the Justice Ministry and agreed that all political parties should refrain from designating employees for justice sector positions; PLD Secretary Reynaldo Pared Perez commended government officials for undertaking an important job, since "progress in the country requires a healthy justice system"; and PRD Secretary Orlando Jorge Mera said, "It is time for a commitment to take politics out of the Justice Ministry." They agreed that, had they seen the document before this meeting, they would have signed it on behalf of their parties. Dominguez Brito replied that simply with their presence they indicated a commitment for profound change.

4. (U) In a separate political process designed to increase the weight of the plan, an administrative ruling regarding the implementation of a career track in the Public Ministry is being further refined for presentation to President Fernandez. An Executive Order adopting this ruling would involve the Presidency in merit-based hiring to such a degree that both career track employees and the plan itself would be more likely survive a change of administration.

The Plan in Action

5. (U) While support of the parties will be critical, Dominguez Brito has already exercised his discretionary powers to shift to merit-based hiring of prosecutors. On September 27, 301 attorneys between the ages of 23 and 26

took an examination administered by the School of the Ministry of Justice. The top 100 will be selected for a six-month training program. Their employment will be confirmed only upon successful completion of this program (as evaluated with an exit examination). While full statistics on this first class of 100 are not yet available, Dominguez Brito says that 63 percent of those participating are female and 17 percent are graduates with "high honors" from local universities.

Cutting out the Deadwood

16. (U) The shift to merit-based hiring is a complete break with past practice. Dominguez Brito has taken even bolder steps to move the AG's office toward a meritocracy. On April 10, 2005, every prosecutor in the Dominican Republic took a competency examination mandated by the AG's office and administered by the School. On September 9 of this year the Ministry revealed that 167 of the 773 examinees (22 percent) had failed to demonstrate minimal competency and are accordingly scheduled for dismissal before January 2006. An additional 60 attorneys working as either judicial assistants or general legal assistants will be retested, as initial results for those individuals were judged to be inconclusive. Those ultimately found to be qualified will be allowed to continue their employment with the Ministry.

Comment

17. (SBU) The public and widely reported support of the major parties appears to make formal approval of a switch to merit-based hiring of prosecutors all but a certainty. Dominguez Brito himself has commented that political interests do not feel served by a switch away from a patronage system. The test of the institutionalization of this change will come in 2008, when we see whether it can survive into another administration -- either a second one of Fernandez or that of another head of state.

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